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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,299	06/27/2001	Mark W. Davis	INXT 1016-1	1994
22470	7590	08/05/2004	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP			CAMPBELL, JOSHUA D	
P O BOX 366			ART UNIT	
HALF MOON BAY, CA 94019			PAPER NUMBER	
			2179	
DATE MAILED: 08/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/893,299

Applicant(s)

DAVIS ET AL.

Examiner

Joshua D Campbell

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☒ Claim(s) 1-12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Application filed on 06/27/2001.
2. Claims 1-12 are pending in the case. Claims 1 and 11 are independent claims.

Drawings

3. The drawings were received on 06/27/2001. These drawings are accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prager (US Patent Number 5,943,670, issued on August 24, 1999) in view of Pugh et al. (hereinafter Pugh, US Patent Number 6,658,423, filed on January 24, 2001).

Regarding independent claim 1, Prager discloses a method in which in a set of documents the nearest neighbors of a document are selected based on nearest neighbor similarity scores (column 1, line 55-column 2, line 42 of Prager). Prager does not disclose that the documents viewed to be identical are flagged as potential duplicates. However, Pugh discloses a method in which based on detection scores a document is selected as being potentially duplicate (column 7, line 26-column 8, line 28 of Pugh). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Prager with method of Pugh it would have allowed for duplicates to be eliminated from categories providing more accurate search results.

Regarding dependent claim 2, Prager does not disclose that the documents viewed to be similar based on a score are flagged as potential duplicates. However, Pugh discloses a method in which based on detection scores (higher than a certain tolerance) a document is selected as being potentially duplicate (column 7, line 26-column 8, line 28 of Pugh). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Prager with method of Pugh it would have allowed for duplicates to be eliminated from categories providing more accurate search results.

Regarding dependent claims 3 and 4, Prager discloses a method in which the nearest neighbor calculations, which in this case are k nearest neighbor calculations, are not detected for duplicate detection rather they are used to categorize the documents (column 1, line 55-column 2, line 42 of Prager).

Regarding dependent claims 5 and 6, Prager discloses a method in which the documents can be text documents with visual formatting (column 4, line 34-column 5, line 3 of Prager).

Regarding dependent claims 7 and 8, Prager discloses a method in which the documents may consist of audio presentations (column 4, line 34-column 5, line 3 of Prager). It would have been obvious to one of ordinary skill in the art at the time the invention was made that it was well known that voice recordings and musical performances were audio presentations.

Regarding dependent claim 9, Prager discloses a method in which the documents can be images (column 4, line 34-column 5, line 3 of Prager).

Regarding dependent claim 10, Prager discloses a method in which only k nearest neighbor calculations are used for similarity scores (column 1, line 55-column 2, line 42 of Prager).

Regarding independent claim 11 and dependent claim 12, the claims incorporate substantially similar subject matter as claims 1 and 2. Thus, the claims are rejected along the same rationale as claims 1 and 2.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,003,027

US Patent Number 6,493,702

US Patent Number 6,547,829

US Patent Number 6,611,825

US Patent Number 6,615,209

US Patent Number 6,751,600


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
July 30, 2004


STEPHEN S. HONG
PRIMARY EXAMINER